GOVERNMENT OF INDIA
ENVIRONMENT AND FORESTS
LOK SABHA

UNSTARRED QUESTION NO:813
ANSWERED ON:31.07.2006
AMENDMENT OF ENVIRONMENT ACT
Thakkar Smt. Jayaben B.

Will the Minister of ENVIRONMENT AND FORESTS be pleased to state:

(a) whether the Union Government has received any representation from the Government of Gujarat alongwith resolutions of Gujarat Legislative Assembly and other State Governments to make amendment in the Environment (Protection) Act, 1986 and related laws for use of loudspeakers without any restriction of time limit during the religious and cultural festivals; and

(b) if so, the action taken or proposed to be taken in this regard?

Answer

MINISTER OF STATE IN THE MINISTRY OF ENVIRONMENT AND FORESTS (SHRI NAMO NARAIN MEENA)

(a)& (b) In pursuance of the order of Hon`ble Supreme Court in the matter of Writ Petition No. 72 of 1998 regarding noise pollution - implementation of laws for restricting use of loudspeaker and high volume producing system dated 18th July, 2005, some representations were received from State Governments including from the Government of Gujarat alongwith the Motion passed on 14th September, 2005 by Gujarat Legislature. Ministry had issued Noise Pollution (Regulation and Control) Rules, 2000 on 14th February, 2000 with subsequent amendment on 11th October, 2002 empowering State Government(s) to permit use of loudspeaker or public address system during night hours (between 10.00 P.M. to 12.00 mid night) on or during any cultural or religious festive occasions of a limited duration not exceeding 15 days in all during a calendar year.

Looking at the diversity of cultures and religions in India, the Hon`ble Supreme Court in its subsequent order has observed that a limited power of exemption from the operation of the Rules granted by the Central Government in exercise of its statutory power cannot be held unreasonable and the power to grant exemption is conferred on the State Government. The Hon`ble Court, further, has observed that the State Governments should notify in advance the number and particulars of the days on which such exemptions would be operative.